

REMARKS

Claims 1, 3-8, and 10-33 are pending in the present application. By virtue of this response, claim 1 has been amended. Accordingly, claims 1, 3-8, and 10-33 are currently under consideration. A Request for Continued Examination accompanies this amendment.

With respect to any claim amendments or cancellations, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Objections under 35 U.S.C. 112, First Paragraph

Claims 1, 3-8, 10-11 and 13-18 stand objected to because they are allegedly lacking enablement.

This rejection is respectfully traversed. Claim 1 has been amended to specify that the porphyrin-chemotherapeutic agent retains the chemotherapeutic effect of the unconjugated chemotherapeutic agent. In view of the fact that the agents recited in claim 1 are known chemotherapeutic agents, the claim is directed only to conjugates that retain the known chemotherapeutic effect of the agent. As these agents are recognized to have an anti-cancer effect, Applicants submit that the claim is indeed enabled. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 19-33 stand objected to because they are allegedly lacking enablement for the treatment of diseases characterized by uncontrolled cell proliferation or cancer generally.

This rejection is respectfully traversed. Claims 19-33 depend from the doxorubicin-porphyrin conjugate of claim 12. Doxorubicin (alone or in combination) has been used to treat a variety of cancers and uncontrolled cell growth, such as lymphomas and sarcomas. Thus it is

reasonable to expect that the doxorubicin-porphyrin conjugate is effective across the full spectrum of diseases that unconjugated doxorubicin is used for. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. 103

Claims 1, 3-8, and 10-12 stand rejected because the composition and claims are allegedly obvious to one of ordinary skill in the art over Han (US 2002/0155999).

In response, claim 1, from which claims 3-8 and 10-12 depend, has been amended to recite that the porphyrin-chemotherapeutic agent retains the chemotherapeutic effect of the chemotherapeutic agent in unconjugated form, and the dosage of the porphyrin-chemotherapeutic agent has reduced toxicity compared to the chemotherapeutic agent in unconjugated form. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 13-17 and 19-33 stand rejected because the method claims are allegedly obvious to one of ordinary skill in the art over Han (US 2002/0155999) and Shargel (Comprehensive Pharmacy Review, 4th Ed., Philadelphia: Lippincott Williams & Wilkins, 2001, pp. 1030-1034).

In response, claim 1, from which claims 13-17 and 19-33 depend, has been amended to recite that the porphyrin-chemotherapeutic agent retains the chemotherapeutic effect of the chemotherapeutic agent in unconjugated form, and the dosage of the porphyrin-chemotherapeutic agent has reduced toxicity compared to the chemotherapeutic agent in unconjugated form. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

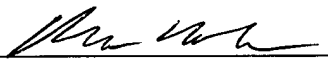
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 578562000900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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